

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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LVDG SERIES 107, established under
LVDG, a Nevada series limited liability
company,

Case No. 3:13-cv-00463-MMD-VPC

ORDER

Plaintiff,

v.

MAGGIE BARTON, individually and as
trustee of the GOMEZ FAMILY TRUST
u/t/d/ June 25, 1996, et al.,

Defendants.

This action involves a single claim to quiet title by Plaintiff LVDG filed in August, 2013. Plaintiff alleges that it acquired the property at issue at a homeowner's association lien foreclosure sale ("the Property"). (Dkt. no. 1-2 at 6 ¶26.) Plaintiff seeks several forms of relief, including a declaratory judgment quieting title to the property in favor of Plaintiff and against Defendants. (*Id.* at 11 ¶12.) On March 5, 2014, after the Court denied Plaintiff's second request for a temporary restraining order (dkt. no. 50), Plaintiff executed a Quitclaim Deed, quitclaiming its interest in the Property to Residential Land Corporation of Nevada ("RLCON").¹ (Dkt. no. 53-3.) RLCON filed for bankruptcy protection that same day. (Dkt. no. 53-2.) After learning of the transfer of the Property and RLCON's bankruptcy, the Court directed the parties to file a status report to address: (1)

¹Plaintiff does not dispute that it transferred ownership of the Property to RLCON. (Dkt. no. 56.)

1 Plaintiff's standing to assert the quiet title action claim as a result of its transfer of the
2 Property; and (2) the effect, if any, of the automatic stay. (Dkt. no. 54.)

3 In its status report, Plaintiff admits that it no longer has standing to assert its quiet
4 title action claim because of the transfer of the Property to RLCON. (Dkt. no. 56 at 2 ¶¶9.)
5 However, Plaintiff argues that the automatic stay applies and it may be appropriate for
6 RLCON to substitute in place and stead of Plaintiff. (*Id.* at 3 ¶¶17.)

7 The Court finds these arguments unconvincing. This action should be dismissed
8 for lack of standing. Plaintiff similarly has no standing to argue that the automatic stay
9 applies because Plaintiff did not seek bankruptcy protection. Moreover, the Court is not
10 persuaded that dismissal of this action will affect RLCON's bankruptcy estate so as to
11 trigger the automatic stay provision of 11 U.S.C. § 362(a).

12 It is therefore ordered that this action is dismissed for lack of standing. The motion
13 to dismiss (dkt. no. 30) is denied as moot. The motion to expunge lis pendens (dkt. no.
14 31) is granted. The request for hearing on pending motions (dkt. no. 42) is denied as
15 moot. The Clerk is instructed to close this action.

16 DATED THIS 9th day of July 2014.

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19 MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE
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